

B. Argument

5. The court may remand a case on the basis of any defect identified in a motion for remand filed within 30 days after the filing of the Notice of Removal under 28 U.S.C. §1446(a). 28 U.S.C. §1447(c).
6. The court should remand this case to state court because the amount in controversy is less than \$75,000.0, excluding interest, costs, and attorney fees. 28 U.S.C. §1332(a); *see Darden v. Ford Consumer Fin. Co., F.3d. 753, 755* (11th Cir. 2000).


C. Conclusion

7. Plaintiffs' lawsuit against Defendants was filed as a result of Defendant's mishandling of Plaintiff's hail/wind property damage claim and DTPA violations. This Court should remand this case to state court because the amount in controversy does not exceed \$75,000.00.
8. For the reasons stated above, Plaintiff ask this Honorable Court to grant Plaintiff's Motion to Remand, remand this suit to the state court it was originally filed, and award Plaintiff his court costs, expenses, and attorney's fees.

Signature on following page.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been sent via FACSIMILE SERVICE and/or ELECTRONIC MAIL to counsel listed below on August 24, 2016.

Via Facsimile: (214) 871-8209

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VERIFICATION

State of Texas §
 §
County of HIDALGO §

Before me, the undersigned authority, on this day personally appeared William J. McCarthy who being by me duly sworn on his oath deposed and said that he has read the above and foregoing Motion for Continuance and that every statement contained herein is made upon information and belief or is within his personal knowledge and is true and correct.

W J McCarthy

SUBSCRIBED and SWORN TO before me this 24th day of August, 2016.

Diana Reyna

Notary Public in and for the State of Texas

My Commission Expires: 3/3/2018

Notary's Printed Name:

Diana Reyna